

D.B. HABEAS CORPUS WRIT PETITION NO. 2447/2006
(Tulasi Ram & Anr. Vs. State of Rajasthan & Ors.)

DATE OF ORDER : 17.07.2006

HON'BLE MR. JUSTICE N.N.MATHUR

HON'BLE MR. JUSTICE R.P.VYAS

Mr. Abhishek Mirdha, for the petitioners.

Mr. S.K.Vyas, Government Advocate.

Mr. Pradeep Choudhary, for respondents No.5 to 9.

The instant habeas corpus petition has been filed by Tulasi Ram for the production of his daughter Mst. Nenudi (Nenu Devi). It is averred that the petitioner's elder daughter namely Baya Devi was married to the 4th respondent Babu Lal. While, she was pregnant, Mst. Nenudi stayed at the house of 4th respondent to look after her (Baya Devi). It is alleged that the second daughter of the petitioner namely Mst. Nanudi has been kidnapped by the 4th respondent Babu Lal. The police produced Mst. Nenudi before this Court on 13.7.2006. On the said date, it was noted that as per the horoscope produced, her date of birth is 7.10.1991. Thus, she is about 14 years of age. She was directed to get medically examined. As per the medical report, her Radiological age is above 20 years and below 25 years on the date of examination. It is also stated that 4th respondent Babu Lal has been arrested. Thus, in the instant case, the age of the girl is crucial. This issue cannot be decided by this Court. It appears that a complainant case is already pending in the Court of Additional Judicial Magistrate, First Class No.7, Jodhpur. The

question of custody of Mst. Nenudi shall be decided by the competent court. Mst. Nenudi be produced before the appropriate court. If any application is filed for the custody of Mst. Nenudi, the same shall be decided in accordance with law.

Accordingly, the habeas corpus petition stands disposed of.

(R.P.VYAS),J.

(N.N.MATHUR),J.